

Prez Sez

by Heather Giardine-Tuck, President, OPSEU Local 240

Welcome to the end of the semester, Local 240 Colleagues! Congratulations on surviving the last 6 months, the threat of a strike which went right down to the St. Patrick's day deadline (10:45 pm!), making it through Work To Rule, and now, the 6th wave of the pandemic which does not seem to want to fade away...yet. We did it! We stood together, didn't back down, and fought off an employer, the CEC, whose goal was to divide us. They underestimated our solidarity which sees us through, every time.

Continuing on a positive note, we can now look back on the past 6 months and see the many gains we have made. As a result of Work To Rule, many librarians, counsellors, teaching faculty and coordinators realized the amount of work they were doing which was not captured on their workloads. This realization helped faculty to understand why they were so tired...they were simply working too much! Now, folks are empowered to speak with their supervisors to ensure all work done is properly accounted for and documented. Our days of volunteering our time are over. Your Local 240 Officers have approached college management and requested time for department meetings and Open Houses. To be clear, as professionals, we are happy to attend these events, contribute our ideas, and collaborate with our colleagues. Requesting time to do so is both reasonable and necessary.

From the perspective of supporting each other, we met regularly throughout our contract negotiations to share information, strategize, answer questions, and ease fears. Your Local 240 Officers are keeping these meetings up with regular, college-wide Coordinator meetings now planned, in addition to getting together with departments as requested. It is wonderful to see you all and hear about what is happening in your areas. While we didn't get the chance to catch up on a picket line, Zoom and in person meetings give us the chance to stay connected and we plan to do so.

Seeing many of you at your Local 240 End of Semester Celebration BBQ at the Arnie was such a treat! Thank you for taking the time to attend. I heard countless folks delighting in meeting in person after such a long, long time. It was great to be together!

Finally, at our 2022 OPSEU Convention, history was made with the election of our CAAT Academic colleague, JP Hornick, as President! We are so pleased to see JP in this role, and we know she will do great things as our leader. Laurie Nancekivell was elected First VP/Treasurer. She brings integrity and great experience to her role. We are in good hands.

Whether you are heading out on vacation now or in July, I wish you an unplugged, happy, healthy, and relaxing time away from work. Looking forward to seeing you in September, my friends!

Take care and stay well,

Heather

General Membership Meeting on May 9

There will be a Local 240 general membership meeting (GMM) on Monday, May 9, from 4:30pm to 6:30pm. The meeting location is room EA011, in the EA Building.

At the GMM we will be electing Local officers, delegates and alternates to provincial OPSEU meetings, and Local trustees. Nominations for these positions will happen at the meeting.

The GMM will be hybrid, with in-person attendance in EA011 and virtual attendance via Zoom. We are asking all members who attend in person to bring a Zoom-enabled device (phone, laptop, etc.) that they can use to log into the Zoom call. Voting will only take place via Zoom polls - there will be no paper ballots. **There will be free parking for members who attend the GMM in the P8 parking lot.**

Please watch for the meeting invite and participation instructions via your non-college email!

Never Say Never: Reflections on an Absolute Adverb

by Rebecca Mills, Chief Steward, OPSEU Local 240

*“The Union has asked the CEC to consider voluntary binding interest arbitration on outstanding issues. With respect to the outstanding issues, the Colleges have stated since August 2021, that they can **never** accept what the Union is demanding” [my emphasis] (CEC, 2022).*

Now that CAAT-A has passed through the fire of work-to-rule and an almost-strike, faculty may need some time to recover from months of CEC missives that co-opted college communication channels and assailed their peace of mind (I certainly do). The quotation above contains a recurring theme we heard throughout bargaining - the CEC’s (and the College presidents’)

unwillingness to compromise. The fact that it took the threat of a strike to get to binding arbitration (something CAAT-A offered months ago) only underscores this point. Upon reflection, I find the CEC's negotiating strategy disturbing. I take issue with the word *never*, a negative adverb of indefinite frequency or time. Because of its absolute nature, it is difficult to negotiate with *never*.

The word *never*, as in “not ever,” “at no time,” or “not under any condition” (“Never,” 2022) does not leave any wiggle room for compromise. Yet this was the CEC's unwavering bargaining position from July 2021 up until the evening of Thursday, March 17, 2022. In the quotation above, *never* modifies the verb phrase “can accept”. The auxiliary verb “can” (meaning able) is an odd choice here, disingenuous even, in juxtaposition to the heavy-handed adverb, *never*. During any bargaining period, the CEC certainly *can* accept Union demands, but when it comes to issues around workload, intellectual property protection, contracting out, etc., it is more accurate to say that they *will not*. This would have made more sense grammatically and would have more accurately reflected the CEC's bargaining position.

Auxiliary verbs aside, *never* is a problematic word because of its absolute and indefinite nature. Words such as *never*, *always*, *every*, *all*, etc., make a writer sound intractable and unreasonable. Thus, I found it infuriating when the CEC employed an absolute adverb (with a passive-aggressive, grammatically-questionable auxiliary verb) to modify their position on Union demands in this communication aimed at students and others. Was it just another tactic to affect morale? To union bust? Perhaps both, but their linguistic choices certainly revealed disdain toward the needs of professors, counsellors, librarians, and the students whom they serve. The use of the word *never* also revealed how far the CEC was willing to go to make their point—right to the brink.

Hollow and petulant, the word *never* hasn't aged well now that both parties are in binding arbitration. For the next round of bargaining, CAAT-A members would do well to remember that it took the threat of a strike for the Union to nullify the word *never*. The fight for the future of the collegiate system in Ontario is far from over, especially since the CEC's (aka the College presidents') vision is one of privatization, profit, and precarity. This view lies in stark contrast to CAAT-A's goal to offer high-quality education in a more equitable, sustainable way for both students and faculty. Given that, faculty may wonder if the CEC and College presidents will (not can) bargain again in the future in a professional, collaborative manner. Based on this last round, “Quoth the Raven ‘Nevermore’” (Poe, 1845).

References

CEC. (2022). FAQ for Students. College Employer Council.ca.

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Never. (2022). Merriam-Webster. <https://www.merriam-webster.com/dictionary/never>

Poe, Edgar Allan. (1845). The Raven. Poetry Foundation.

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Coming Back on Our Terms!

By Dan Popowich, Steward and Kevin MacKay, Vice President, OPSEU 240

On Friday, March 18, Mohawk faculty returned to campus for a rally to celebrate the successful conclusion of bargaining. The previous evening, just over an hour before a strike deadline expired, the OPSEU CAAT-A Bargaining Team announced that the College Employer Council (CEC) had accepted our offer of binding interest arbitration. After the stress and drama of down-to-the-wire bargaining, it was great to see so many familiar faces out on a cool, but sunny day in front of the EA building at Fennell Campus.

Thanks to Dan Popowich for the photos, and thanks to all of the faculty members who stood strong in the face of CEC threats and misinformation. Through our solidarity we have moved ever closer to achieving the goals of decent jobs, fairness, equity, and academic excellence.

- Six photos of Local President Heather Giardine-Tuck and numerous faculty members attending the March 18 rally at Fennell campus.

Comme ci, Comme ça: An Update on Academic-Credit Courses in CE

by Rebecca Mills, Chief Steward, OPSEU Local 240

In the fall 2021 edition of The Examiner, I highlighted the fact that partial-load (PL) faculty teaching academic-credit courses run through CE were not having those courses counted toward their PL status, nor were they receiving a PL rate of pay for them. I also reported that the issue had been arbitrated more than once in Ontario, notably in 1990 (The Canadore Decision), in

2005 (The MacDowell Decision) and again in 2014 (The Jesin Decision). In all cases, the arbitrators sided with unions. With this support, Local 240 called on College management to implement these well-established legal decisions.

The Good News

After some back and forth, the College agreed that any program with a Ministry-approved credential was within the scope of the bargaining unit, and that any applicable CE courses being delivered by non-full-time (NFT) faculty would count towards partial-load status if applicable. This change went into effect in January 2022, on a go-forward basis. For Local 240 this was welcome news, especially for our NFT faculty who had been denied union benefits and pay for too long.

As of January 2022, the College implemented this promised change. For NFT faculty who straddled both CE and regular ‘day’ programming, the transition seems to have been straightforward. Those teaching between 7-12 hours between CE and regular programming ought to have received PL contracts and should have seen their pay harmonized at the higher PL rate. The College has also drawn up an MOU, which OPSEU is currently reviewing, to enshrine this practice going forward. Finally, the College has promised to include CE academic-credit courses on the upcoming 27.12 lists (due in May) which our Local uses to file Article 2 staffing grievances to gain more FT faculty positions.

The Not-So-Good News

Unfortunately, CE did not offer academic-credit courses to PL faculty who had those courses on their seniority record in the ‘day’ school if they had never taught in CE before. Local 240 and College management have a difference of opinion when it comes to PL faculty exercising their rights under Article 26.10 E. Seniority rights are constrained to the departments and schools in which faculty have previously worked. The College is arguing that CE is a separate school, and thus, for faculty who have never worked in CE, the course-based seniority they have in another department won’t count there.

In contrast, Local 240 views CE as more of a parallel structure of delivery as opposed to its own academic department. The academic-credit courses offered in CE are the exact same as those in the ‘day’ school, with the same course outlines, textbooks, etc. The position of Local 240 is that registered PL faculty ought to be given preference in hiring based on the course-specific seniority they have earned, regardless of whether those courses are offered in CE or a regular department.

We Want to Hear from You

If there are PL faculty who are registered and have not been offered academic-credit CE courses that they have taught before, Local 240 would like to hear from you, especially if you didn't get a full 12 hours this semester. Please email us at opseu240@gmail.com.

References

Academic Employees Collective Agreement. Ontario Colleges of Applied Arts and Technology. The College Employer Council-OPSEU. (2017-2021).

OPSEU v. Algonquin College. (2014). CAAT(A) Awards Database.
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PAC REPORT: News and Views from the Local 240 Political Action Committee

by Kevin MacKay, Vice President, OPSEU Local 240

At a Local 240 General Membership Meeting (GMM) in the spring of 2010, the Local membership approved creation of the OPSEU Local 240 Political Action Committee (PAC). The PAC is a legally-constituted union committee that reports to the Local Executive. The PAC was founded with the mandate to "...support labour rights, human rights, social justice and environmental sustainability at Mohawk College and across the City of Hamilton." Any member of Local 240 - whether full time or partial load - can be a member of the PAC.

Initiatives that the Local 240 PAC engages in are varied, and include providing news about community activism to members, holding educational events for members and the broader College community, supporting the organizing efforts of local grassroots groups, and speaking out about issues of local, national and global concern. Political Action Committees are common throughout the labour movement, and many unions have a PAC. In Hamilton, other education sector unions like the Ontario Secondary School Teacher's Federation (OSSTF) and Hamilton Wentworth Elementary Teacher's Local (HWETL) have influential and impactful PACs.

In the pre-COVID period, the Local 240 PAC held several events on campus, including a student dance-a-thon, a forum on electoral reform, and regular International Women's Day (IWD) events. The yearly IWD events were especially well-received, as on March 8 PAC members staffed interactive tables at the Fennell, IAHS, and Stoney Creek campuses. At each table, faculty asked students to reflect on what gender equality means to them and on the barriers standing in the way of our achieving it. Students got cookies for participating, so there was never a shortage of activity!

PAC members have also been visible supporting striking workers in Hamilton and surrounding communities, and attending protests in support of Indigenous Rights and Climate Justice, and against Racism. The PAC is involved in the Hamilton and District Labour Council's Shut Down Hate committee, and individual PAC members are involved with several social movements and community organizations both locally and internationally.

As we return to campus, the PAC members are looking forward to once again hosting in-person events. In the meantime, the other major activity of members is to support community organizations, activist groups, non-profits, and charities that share the PAC's values. Each year the PAC is given a \$4,000 yearly budget with which to fund events and make donations to worthy causes. In the past year we have supported several such causes, including:

the Hamilton Encampment Solidary Network
Environment Hamilton
Justice for Migrant Workers
The Brantford Labour Council
The United Way's Period Promise Campaign
Ontario Native Women's Charitable Foundation

Watch for future PAC news and events in upcoming issues of Examiner and on the opseu240.ca web site.

Join the Local 240 PAC!

Come join with faculty seeking to make a bigger difference in our community! The PAC meets virtually a couple of times a semester, and we are always looking for new members to get involved. If you'd like more information, please contact PAC Chair Kevin MacKay at:

kevin@skydragon.org

The Great Unbundling

By Rebecca Mills, Chief Steward, OPSEU Local 240

Have you been assigned to a lecture, while a different colleague has been assigned to teach the corresponding lab of the same course? Or have you been assigned part of a course while another faculty member simultaneously teaches the other part? If so, you have experienced *unbundling* or a *split delivery* - a strategy in which whole courses are treated like widgets that can be broken down into smaller pieces in order to maximize full-time (FT) faculty SWFs. Unbundling is also used to parse out work to non-full-time (NFT) faculty or, if a lab is involved, to lower-paid instructors or technicians.

Mohawk, like the other 23 Ontario Colleges, justifies unbundling in the name of operational efficiency and improved bottom lines. However, this economic benefit comes with significant detriment to students and faculty. Local 240 believes the time is right to use our newly won academic freedom to push back against unbundling. Only faculty can restore consistent, high-quality course delivery that is driven by sound pedagogy and the students' best interests.

As noted in the "2021 Update on Education" by Kevin MacKay and Martin Devitt, having one professor oversee a course, be it a lecture or a lecture with a lab, "leads to a more cohesive and integrated educational experience" for students (p. 34). In addition, aside from its questionable pedagogy, the unbundling of work without faculty consultation undermines two important sections of the Collective Agreement (CA), namely, Article 13, "Copyright and Academic Freedom" and the class definition of a professor. In the CA, professors are defined as the ones ultimately "responsible for providing academic leadership and for developing an effective learning environment for students" (p. 128). These rights and responsibilities are enshrined in the CA, but at Mohawk College, faculty will have to decide if they are willing to stand up and defend them.

Unbundling at Mohawk

The unbundling process happens in a number of ways in different departments across the College. For example, in Practical Nursing, the default staffing model now involves cleaving lectures from labs so that lecturing professors have no control over the practical components of their courses. The lab curriculum is now planned and structured by lab coordinators with many labs assigned to lesser-paid, NFT instructors. Dividing lectures from labs compromises the academic freedom of the lecturing professors. These faculty lose control of assessments and evaluations in the lab, degrading the student experience and harming student success.

In other departments, CSAIT for instance, face-to-face courses have also had their lectures and labs disaggregated. Moreover, blended courses with face-to-face lectures and online components have been divided between different faculty members. Since the courses were designed to be delivered by one faculty, this splitting can cause confusion around assessments, evaluation factors, and course expectations. Faculty are left trying to figure out who grades what, and students have to meet the expectations of two different professors in the same course. In both scenarios, the Associate Dean saves money and makes the most of workloads. However, this redistribution of labour also leads to chaotic deliveries, confused students, and frustrated faculty.

While the college hires cheaper NFT instructors and maximizes FT faculty SWFs with pieces of courses, academic quality and the student experience suffers. Professors in this situation have reported how the split delivery staffing model confuses students. As a result, faculty workload increases due to the number of enquiries from students who often don't know whom to contact for help. In addition, it takes time to collaborate when faculty share courses, although this collaboration is not consistently captured on SWFs. Pedagogically, the students lose out on the more fulsome learning experience they might have had if one professor oversaw the entire course from beginning to end.

Faculty suffer with split delivery, too. While the pedagogy is questionable, academic freedom, won in the last strike and enshrined in Article 13, is compromised. How can a professor or a team of professors create the most effective learning environment when courses are literally carved up purely for budgetary purposes? Worse, how can professors provide academic leadership if they aren't consulted about this practice either?

Local 240 believes that academic decisions ought to be made by faculty, not administrators. Whether it's optimizing SWFs or breaking classes apart to have cheaper NFT instructors teach labs, the Union hopes to raise awareness around this practice and to encourage faculty to unite and to stand up for their academic freedom, so they can affect change and improve the learning experience for their students. Thus, Local 240 is interested in hearing from faculty who have experienced the unbundling or splitting of courses at opseu240@gmail.com.

Sources

CEC & OPSEU (CAAT-A). (2017-2021). Academic Employees Collective Agreement.

MacKay, K. & M. Devitt. (2021). 2021 Update on Education in Ontario Colleges. OPSEU. <https://www.collegefaculty.org/wp-content/uploads/2021/09/2021-09-Report-on-Ed-FINAL-eng-formatted-a.pdf>

The Canadian Association of University Teachers (CAUT) Spring Council Meeting

By Kevin MacKay, Vice President, OPSEU Local 240

OPSEU's Colleges of Applied Arts and Technology - Academic (CAAT-A) division is an affiliate of the Canadian Association of University Teachers (CAUT). This affiliation gives Ontario college faculty an important role in activism and advocacy concerning post-secondary education in Canada. CAUT has Council meetings in the spring and fall of each year, in which the business of the Association is conducted. Each Council meeting includes updates on the critical work that CAUT undertakes - supporting contract negotiations in over 120 faculty associations, lobbying governments for increased post-secondary funding, protecting academic freedom and collegial governance, and supporting international advocacy for free speech and human rights.

As one of the CAAT-A delegates to CAUT, along with Niagara College professor Martin Devitt, I attend each Council meeting. These events take place in Ottawa, and they are amazing opportunities to meet with professors, counselors, and librarians from across the country. These connections occur in the main assembly sessions and in a special Provincial Associations meeting that takes place on the first morning of Council and involves representatives from federations of faculty associations in each province. What follows is a brief overview of some of the highlights from this year's spring Council, which took place from April 28 to 29.

Attacks on Post-Secondary

One of the recurring themes of the spring Council meeting was the extent to which several provincial governments are enacting strategies designed to privatize the delivery of post-secondary education and to minimize the power of faculty and of faculty unions. Alberta, Saskatchewan, Ontario, Nova Scotia, and Newfoundland all have these hostile governments, with Jason Kenney's United Conservative Party (UCP) government taking the lead in attacks on public services in general, and on post-secondary in particular.

In Alberta, Kenney's government started out contract negotiations by demanding 3.5% wage decreases for all post-secondary faculty. In addition, the UCP has made aggressive moves toward "performance-based" funding for colleges and universities. 46% of institutional funding is now performance-based, making the very existence of smaller colleges and universities precarious and seriously impacting programming at all schools. In an unprecedented move, the UCP also slashed 26% of overall funding to post-secondary in Alberta - the largest reduction in funding in the province's history.

The Alberta government is also pushing a “micro-credential” model of post-secondary, seeking to replace traditional diplomas and degrees with short duration, hyper-specified, industry-determined credentials. The UCP is driving this process by tying per-student funding to enrollment in micro-credential courses.

Other provinces have seen similarly neoliberal approaches to post-secondary. The government of Saskatchewan is pushing for more performance-based funding, while also making serious cuts to nursing programs. These cuts are disproportionately impacting Native communities. In Nova Scotia, university boards of governors (BOGs) have been increasingly making in-camera decisions without faculty, student, and staff board members present. In addition, Nova Scotia institutions are calling for austerity even though they, like Ontario colleges, have been banking healthy budget surplusses.

In Ontario, the Ford government has been giving Kenney’s UCP a run for their money - pushing performance-based funding and micro-credentials, and freezing public sector salary increases to 1% per year for 3 years with Bill 124. Ford has also allowed Laurentian University to be strip-mined through the Companies’ Creditors Arrangement Act (CCAA). An April 13, 2022, Auditor General’s report on the bankruptcy proceedings at Laurentian showed that gross mismanagement by the university administration led to the financial crisis. In addition, the report proved that the administration used the CCAA process - the first time it has ever been invoked for a publicly funded institution - as a means to make cuts to faculty positions. Over 100 full time faculty jobs were eliminated at Laurentian, and the Laurentian University Faculty Union (LUFA) continues to fight for transparency in the institution’s financial re-organization. To date, the Laurentian administration has remained unaccountable for their actions in causing the crisis.

Country-Wide Faculty Fight-Back

In the face of under-funding, austerity, and attacks on education quality, faculty have been fighting back from coast to coast to coast. In 2022 alone, strikes have been initiated, and successfully resolved, by the Acadia University Faculty Association, the University of Lethbridge Faculty Association, the University of Ontario Institute of Technology Faculty Association, the Concordia University of Edmonton Faculty Association, and the Association des professeurs, professeures et bibliothécaires de l’Université Sainte-Anne in Halifax, Nova Scotia. OPSEU’s Ontario College Faculty added their successful job action to this list, showing that, despite the difficult legislative environment, faculty unions remain strong and committed to defending the quality of Canadian post-secondary education.

The Struggle for Educational Freedom in the United States

At each Council session, CAUT invites a speaker from the international post-secondary community to talk about an important issue that we face as educators. At spring Council, the speaker was Dr. Riza Leiberwitz, General Counsel for the American Association of University Professors (AAUP) - the American counterpart to CAUT.

Dr. Lieberwitz gave a chilling talk on the proliferation of “divisive concept” laws among American states. These laws, currently present in 8 states, target education at various levels, from K-12 to post-secondary, and prohibit teaching that the United States is racist (in its present-day or in its founding), that a member of any race or sex bears responsibility for what may have happened in the past, or that anyone should feel discomfort based on their race or sex. These laws have been used to shut down classroom discussions of slavery, segregation, systemic racism, or the Native genocide that resulted from European colonization.

Dr. Leiberwitz linked the divisive concept laws to a broader attack on progressive thinking and critical education, noting that professors who persist in discussing systemic and historic racism are also being targetted and denied tenure. She mentioned that there are currently 43 proposed bills in 23 states, and that 46% of these bills target higher education.

In closing, Dr. Leiberwitz called for international solidarity in pushing back against right-wing attacks on free speech and on academic freedom. Faculty unions have a key role to play in this fight, as do individual faculty members who have the courage to stand up for their own academic freedom. Each of us has an important role to play.

SWF Dates are Out!

Fennell

F2022 – September 7, 2022 start – SWF due May 20, 2022

W2023 – January 4, 2023 start – SWF due November 11, 2022

S2023 – May 8, 2023 start – SWF due March 24, 2023

IAHS

F2022 – September 6, 2022 – SWF Due May 20

W2023 – January 9, 2023 – SWF Due November 18

S2023 – May 1, 2023 – SWF Due March 17

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September 1, 2020-August 31, 2022**

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